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13 *Toshiba America, Inc.,*

14 *Toshiba America Consumer Products, LLC,*

15 *Toshiba America Information Systems, Inc.,*

16 *and Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

22 Case No. 07-5944 SC
23 MDL No. 1917

24 This Document Relates to:

25 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*
26 Case No. 3:11-cv-05513

27 *Best Buy Co., Inc., et al. v. Technicolor SA, et*
28 *al., Case No. 13-cv-05264*

CompuCom Systems, Inc. v. Hitachi, Ltd., et
al., Case No. 3:11-cv-06396

Costco Wholesale Corp. v. Hitachi, Ltd., et
al., Case No. 3:11-cv-06397

Dell Inc., et al. v. Hitachi, Ltd., et al., Case
No. 13-cv-02171

**DECLARATION OF LUCIUS B. LAU
IN SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5(d)**

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC
MDL No. 1917

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701 Thirteenth Street, NW
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2 *Electrograph Systems, Inc., et al. v. Hitachi,*
3 *Ltd., et al., Case No. 3:11-cv-01656*
4 *Electrograph Systems, Inc., et al. v.*
5 *Technicolor SA, et al., Case No. 3:13-cv-*
6 *05724*
7 *Interbond Corp. of America v. Hitachi, Ltd., et*
8 *al., Case No. 3:11-cv-06275*
9 *Interbond Corp. of America v. Technicolor*
10 *SA, et al., Case No. 3:13-cv-05727*
11 *Office Depot, Inc. v. Hitachi, Ltd., et al., Case*
12 *No. 3:11-cv-06276*
13 *Office Depot, Inc. v. Technicolor SA, et al.,*
14 *Case No. 3:13-cv-05726*
15 *P.C. Richard & Son Long Island Corp., et al.*
16 *v. Hitachi, Ltd., et al., Case No. 3:12-cv-*
17 *02648*
18 *P.C. Richard & Son Long Island Corp., et al.*
19 *v. Technicolor SA, et al., Case No. 3:13-cv-*
20 *05725*
21 *Sears, Roebuck & Co. and Kmart Corp. v.*
22 *Chunghwa Picture Tubes, Ltd., et al., Case*
23 *No. 3:11-cv-05514*
24 *Tech Data Corp., et al. v. Hitachi, Ltd., et*
25 *al., Case No. 3:13-cv-00157*
26 *Viewsonic Corporation v. Chunghwa*
27 *Picture Tubes, Ltd., et al., Case No. 3:14-*
28 *cv-002510*

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1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, LLC, and Toshiba America Electronic
5 Components, Inc. (collectively, the “Toshiba Defendants”). I make this declaration in
6 support of Defendants’ Administrative Motion to File Documents Under Seal Pursuant to
7 Civil Local Rules 7-11 and 79-5(d) (the “Motion to Seal”).

8 2. Except for those matters stated on information and belief, which I believe to be
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.
12 306) (“Protective Order”) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in
14 this action certain documents and information designated as either “Confidential” or “Highly
15 Confidential” pursuant to the Stipulated Protective Order.

16 5. On December 5, 2014, Defendants filed an administrative motion to seal the
17 following documents, pursuant to Civil Local Rules 7-11 and 79-5(d):

- 18 a. Designated portions of the Motion to Exclude Certain Expert
19 Testimony of Professor Kenneth Elzinga;
20 b. Exhibit A to the Lau Declaration which is the Expert Report of Dr.
21 Kenneth G. Elzinga, dated April 15, 2014, which has been designated
22 as “Highly Confidential” pursuant to the Protective Order.
23 c. Exhibit B to the Lau Declaration which is Expert Rebuttal Report of
24 Dr. Kenneth G. Elzinga, dated September 26, 2014, which has been
25 designated as “Highly Confidential” pursuant to the Protective Order.

26 6. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court’s General Order
27 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the
28 Protective Order, the designated portions of the Motion to Exclude Certain Expert Testimony

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Case No. 07-5944 SC
MDL No. 1917

1 of Professor Kenneth Elzinga, as well as Exhibits A and B to the Lau Declaration should be
2 maintained under seal.

3 7. The expert reports listed in Paragraph 6 have been designated as “Highly
4 Confidential” pursuant to the Protective Order because they contain confidential, nonpublic,
5 and highly sensitive business information. I have conferred with the other Defendants and
6 determined that Exhibits A and B contain quotes from, and/or summarize confidential,
7 nonpublic, proprietary and highly sensitive business information, including, among other
8 commercially sensitive business information and strategies, confidential information about
9 the Defendants’ sales processes, business practices, internal practices, confidential business
10 and supply agreements, and competitive positions. Upon information and belief, publicly
11 disclosing this sensitive information presents a risk of undermining the Defendants’
12 relationships, would cause harm with respect to the Defendants’ competitors and customers,
13 and would put the Defendants at a competitive disadvantage.

14 8. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court’s General Order
15 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the
16 Protective Order, the above-mentioned materials should be maintained under seal.

17 I declare under penalty of perjury under the laws of the United States of America that
18 the foregoing is true and correct.

19
20 Executed this 5th day of December, 2014, in Washington, D.C.

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Lucius B. Lau

CERTIFICATE OF SERVICE

On December 5, 2014, I caused a copy of “DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Lucius B. Lau

Lucius B. Lau

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